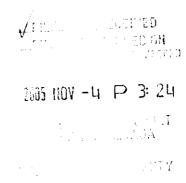
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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

ABDULLAH & SONS RELATORS,

Plaintiff,

VS.

SIG ROGITCH & ROGITCH COMM.etal,

Defendant.

Case No. CV-S-05-1282-RLH (GWF)

FINDINGS AND RECOMMENDATIONS

This matter is before the Court on Plaintiff's Complaint (#1) filed on October 24, 2005. In filing a complaint in federal court, parties are required to either pay the filing fee (\$250 in the District of Nevada), or in substitution, file an Application to Proceed *in Forma Pauperis*.

Furthermore, pursuant to the Prison Litigation Reform Act of 1995 (PLRA), federal courts must dismiss the claim of a plaintiff proceeding *in forma pauperis*, if the action "is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e). Rule 12(b)(6) of the Federal Rules of Civil Procedure provides for dismissal of a complaint for failure to state a claim upon which relief can be granted. Review under Rule 12(b)(6) is essentially a ruling on a question of law. *North Star Intern. v. Arizona Corp. Comm'n*, 720 F.2d 578, 580 (9th Cir. 1983). In considering whether the Plaintiff has stated a claim upon which relief can be granted, all material allegations in the Complaint are accepted as true and are to be construed in the light most favorable to the Plaintiff. *Russell v. Landrieu*, 621 F.2d 1037, 1039 (9th Cir. 1980). Allegations of a pro se

complainant are held to less stringent standards than formal pleadings drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam).

In this matter Plaintiff has failed to pay the \$250 filing fce, or in substitution, failed to file an Application to Proceed *in Forma Pauperis*. Furthermore, the Plaintiff is requesting a frivolous judgment of 100 billion dollars for a matter in which the Complaint does not even contain enough information to determine if there are any claims upon which relief can be granted. Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice to

the filing of a new complaint in a new action in compliance with the requirements for filing a civil action.

DATED this day of November, 2005.

GPORGE POLEY, JR. UNITED STATES MAGISTRATE JUDGE